

EXHIBIT C

JS 44 (Rev. 12/07, NJ 5/08)

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE REVERSE OF THE FORM.)

I. (a) PLAINTIFFS

Maryann Cottrell and Richard Holland

(b) County of Residence of First Listed Plaintiff Gloucester

(c) Attorney's (Firm Name, Address, Telephone Number and Email Address)

Wesley G. Hanna, Esquire, Friedman Doherty, LLC, 125 North Rt.
73, West Berlin, NJ 08091

DEFENDANTS

J&D Discount Liquor Gallery, Inc., d/b/a J&D Liquors; and
David J. Strout, Jr.

County of Residence of First Listed Defendant Gloucester

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE
LAND INVOLVED.

Attorneys (If Known)

unknown

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff
☒ 3 Federal Question (U.S. Government Not a Party)
☐ 2 U.S. Government Defendant
☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- | | PTF | DEF | | PTF | DEF |
|---|----------------------------|----------------------------|---|----------------------------|----------------------------|
| Citizen of This State | <input type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business in This State | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business in Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

IV. NATURE OF SUIT (Place an "X" in One Box Only)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury PERSONAL INJURY <input type="checkbox"/> 362 Personal Injury - Med. Malpractice <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 610 Agriculture <input type="checkbox"/> 620 Other Food & Drug <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 630 Liquor Laws <input type="checkbox"/> 640 R.R. & Truck <input type="checkbox"/> 650 Airline Regs. <input type="checkbox"/> 660 Occupational Safety/Health <input type="checkbox"/> 690 Other LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt. Relations <input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Empl. Ret. Inc. Security Act IMMIGRATION <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 463 Habeas Corpus - Alien Detainee <input type="checkbox"/> 465 Other Immigration Actions	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 810 Selective Service <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 875 Customer Challenge 12 USC 3410 <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 892 Economic Stabilization Act <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 894 Energy Allocation Act <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice <input type="checkbox"/> 950 Constitutionality of State Statutes
REAL PROPERTY <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	CIVIL RIGHTS <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 444 Welfare <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input checked="" type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 440 Other Civil Rights PRISONER PETITIONS <input type="checkbox"/> 510 Motions to Vacate Sentence Habeas Corpus: <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition			

V. ORIGIN

(Place an "X" in One Box Only)

- ☒ 1 Original Proceeding
☐ 2 Removed from State Court
☐ 3 Remanded from Appellate Court
☐ 4 Reinstated or Reopened
☐ 5 Transferred from another district (specify)
☐ 6 Multidistrict Litigation
☐ 7 Appeal to District Judge from Magistrate Judgment

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):

Brief description of cause:

VII. REQUESTED IN COMPLAINT:

☐ CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23

DEMAND \$

CHECK YES only if demanded in complaint:

JURY DEMAND: ☐ Yes ☐ No

VIII. RELATED CASE(S)

(See instructions):

JUDGE

DOCKET NUMBER

Explanation:

7-24-09

Wesley Hanna

DATE

SIGNATURE OF ATTORNEY OF RECORD

FRIEDMAN DOHERTY, LLC
Wesley G. Hanna, Esquire
WH-9019
125 North Route 73
West Berlin, New Jersey 08091
(856) 988-7777
Attorneys for Plaintiffs Maryann Cottrell and Richard Holland

**THE UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY
(Camden)**

MARYANN COTTRELL and RICHARD HOLLAND	:	Civil Docket No. 08-cv-5418 (NLH)
	:	
Plaintiffs,	:	
	:	
vs.	:	<i>First Amended</i>
	:	COMPLAINT
J&D DISCOUNT LIQUOR GALLERY, INC.,	:	
D/B/A J&D LIQUORS; and DAVID J.	:	
STROUT, JR.	:	
	:	
Defendants.	:	

Plaintiff, Maryann Cottrell, hereby complains against the Defendant as follows:

1. Plaintiffs Maryann Cottrell ("Ms. Cottrell") and Richard Holland ("Mr. Holland") are New Jersey residents with an address at 31 S. Academy St., Glassboro, NJ 08028.
2. Defendant J&D Discount Liquor Gallery, Inc., d/b/a J&D Liquors, is a New Jersey corporation with a principal place of business located at 430 N. Broad Street, Woodbury, NJ 08096.
3. Defendant David J. Strout Jr. is a New Jersey resident with an address at 241 Myrtle St., Woodbury, NJ 08096.

JURISDICTIONAL STATEMENT

4. The grounds upon which this court has jurisdiction over the action is a federal question/federal statute governing the dispute between the parties pursuant to 28 U.S.C. § 1331. Plaintiffs allege violations of the Americans with Disabilities Act , 42 U.S.C. § 12101 et. seq. Plaintiffs seek injunctive relief, declaratory relief, attorney's fees, and

litigation expenses pursuant to 28 U.S.C. § 2201 and 42 U.S.C. §§ 2000a-3(a), 12182, 12183, 12188, 12203 and 12205.

5. The grounds upon which this court has jurisdiction over Plaintiff's related state law claims is 28 U.S.C. § 1367. Each of these claims arise out the same acts and course of conduct as Plaintiff's Americans With Disabilities Act claims.
6. Venue is properly laid in the Camden vicinage as this action involves Plaintiffs and Defendants located in Gloucester County, New Jersey.

Background - Retaliation

7. Ms. Cottrell is the mother of a severely disabled girl that requires constant care and supervision. Ms. Cottrell and Mr. Holland voluntarily share this responsibility.
8. Ms. Cottrell is lawfully permitted to park her car in handicap accessible parking spaces reserved for disabled people.
9. Ms. Cottrell and Mr. Holland have long been advocates for the disabled. Their advocacy efforts have placed them in the local and national media spotlight several times.
10. As part of their advocacy efforts, Ms. Cottrell and Mr. Holland assess and document handicap access with the public accommodations that they come in contact with during their daily activities.
11. Ms. Cottrell and Mr. Holland inform local authorities about businesses and public accommodations that fail to maintain handicap accessible parking and/or fail to discourage unauthorized use of handicapped parking spaces.
12. Ms. Cottrell and Mr. Holland regularly sign citizen's complaints regarding handicapped parking violations. For example, Ms. Cottrell initiated the complaints regarding Philadelphia Eagles football players Donovan McNabb and Jevon Kearse using handicapped parking spaces at a local restaurant that was the subject of nationwide media coverage.
13. Plaintiffs receive no money or personal gain, other than making handicapped parking available, from these complaints.
14. Defendants operate a liquor store in Woodbury, New Jersey.
15. Defendants' parking lot contained parking spaces reserved for people with disabilities ("reserved spaces"), access aisles, and/or passenger loading zones.

16. On several occasions, Ms. Cottrell and Mr. Holland visited Defendants business premises and observed vehicles parked in a reserved spaces, access aisle, and/or passenger loading zone. The vehicles were not tagged for handicapped parking. Rather, the vehicles included delivery trucks and other vehicles.
17. Plaintiffs document Defendants blocking access to their handicap parking on several occasions by parking its own vehicles in the spaces, filing a citizens complaints against Defendants each time.
18. Defendants interacted with Plaintiffs on several occasions, often attempting to intimidate them into ceasing their enforcement activities. Through these interactions, Defendants learned of Plaintiffs role as a Ms. Cottrell's daughter's caregiver, and their need for handicapped accessible parking.
19. Subsequent to Plaintiffs' enforcement activities, Defendants revoked Plaintiffs' status as business invitees and banned them from its premises.
20. On November 3, 2006, Defendants sent a letter to Mr. Holland, expressly notifying him that he is no longer permitted access to their premises. The letter further indicated that Defendants would file a trespassing complaint with the police in the event that Mr. Holland returned to Defendants' property. The letter was signed by Defendant David J. Strout, Jr., who identified himself as the Defendant's owner in the letter.
21. On March 23, 2007, Defendants' attorney sent a letter to Ms. Cottrell's attorney, expressly notifying him that Ms. Cottrell is no longer permitted on their premises.

Count I

Retaliation In Violation of the Americans With Disabilities Act

22. The above allegations are herein incorporated by reference.
23. Defendants operate a sales and/or rental establishment.
24. Defendants business premises are a public accommodations subject to the Americans with Disabilities Act, 42 U.S.C. § 12181 et seq.
25. Defendants engaged in impermissible retaliation against Ms. Cottrell and Mr. Holland in violation of the ADA by revoking their status as business invitees and/or banning them from the premises.

WHEREFORE, Plaintiff requests judgment as follows:

- a. Declaring Defendants' attempt to revoke Ms. Cottrell's and Mr. Holland's status as business invitees and/or banning them from the premises constitutes unlawful retaliation under 42 U.S.C. § 12203;
- b. Declaring that Defendants' attempt to revoke Ms. Cottrell's and Mr. Holland's status as business invitees and/or banning them from the premises is void;
- c. Enjoining Defendants from initiating legal action or criminal complaints against Ms. Cottrell or Mr. Holland for entering upon Defendants' business premises or taking reasonable and good faith action to enforce the American With Disabilities Act;
- d. Awarding attorney's fees, litigation expenses, and costs pursuant to 42 U.S.C. § 12205.

Count II

Retaliation in Violation of the Law Against Discrimination

26. The above allegations are herein incorporated by reference.
27. Defendants' business premises are public accommodations subject to the the Law Against Discrimination, N.J.S.A. 10:5-1 *et. seq.* ("LAD").
28. Defendants engaged in impermissible retaliation against Ms. Cottrell and Mr. Holland in violation of the LAD by revoking their status as business invitees and/or banning them from the premises.
29. Defendant David J. Strout, Jr. unlawfully aided and abetted Defendant J&R Liquors' retaliation against Ms. Cottrell and Mr. Holland by, on Defendant J&R Liquors' behalf, revoking their status as businesses invitees and/or banning them from the premises.

WHEREFORE, Plaintiff requests judgment as follows:

- a. Declaring Defendants' attempt to revoke Ms. Cottrell's and Mr. Holland's status as business invitees and/or banning them from the premises constitutes unlawful retaliation under N.J.S.A. 10:5-12(d);
- b. Declaring that Defendants' attempt to revoke Ms. Cottrell's and Mr. Holland's status as business invitees and/or banning them from the premises is void;
- c. Enjoining Defendant from initiating legal action or criminal complaints against

Ms. Cottrell or Mr. Holland for entering upon Defendants' business premises or taking reasonable and good faith action to enforce the American With Disabilities Act;

- d. Assessing a civil penalty pursuant to N.J.S.A. 10:5-14.1;
- e. Awarding compensatory damages, punitive damages, attorney's fees, litigation expenses, and costs pursuant to N.J.S.A. 10:15-13; 10:5-27.1.

Date: July 23, 2009

FRIEDMAN DOHERTY, LLC
/s/Wesley G. Hanna

Wesley G. Hanna
WH-9019